

## **EXHIBIT 11**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

COMMONWEALTH OF  
MASSACHUSETTS, et al.,

Plaintiffs,

v.

NATIONAL INSTITUTES OF HEALTH,  
et al.,

Defendants.

Case No. \_\_\_\_\_

**Declaration of Donald M. Elliman, Jr.**

I, Donald M. Elliman, Jr. hereby declare:

1. I am the Chancellor for the University of Colorado Anschutz Medical Campus (AMC), a position I have held since 2012. As Chancellor, I am the Chief Executive Officer and have oversight of all academic, clinical, research, fiscal and administrative duties of the AMC.
2. As the Chancellor, I have personal knowledge of the matters set forth below or have knowledge of the matters based on my review of information and records gathered by my staff.
3. I am providing this declaration to explain certain impacts of National Institutes of Health (“NIH”) Notice Number NOT-OD-25-068, *Supplemental Guidance to the 2024 NIH Grants Policy Statement: Indirect Cost Rates*, which purports to immediately reduce indirect costs payments to 15%.

4. The AMC is the state's only academic medical research campus. From our academic colleges to our research institutes, NIH is our top federal sponsor. The AMC supports more than 1,000 clinical trials with more than 14,000 enrollments in research studies last year in a broad array of investigations across the health spectrum. Clinical trials allow patients the opportunity to join investigations of the latest innovations in human health. This includes new cancer therapies, studies of novel cardiovascular devices, and new approaches for Alzheimer's disease among many others. Some recent research highlights include:

**Advancing Mental Health Breakthroughs:** Scientists at AMC are on the forefront of interdisciplinary research to help address the mental health crisis. Recent research highlights include groundbreaking clinical trials that are testing the effectiveness of deep brain stimulation—a novel procedure that implants electrodes into the brain as a treatment for OCD and schizophrenia; AMC scientists are studying the underlying causes of depression and anxiety, both genetic and environmental, and how to reduce risk factors across the lifespan.

**Delivering New Cancer Cures:** The AMC is home to the University of Colorado Cancer Center, a world leader in pioneering more effective and personalized cancer treatments that are giving renewed hope to cancer patients. Recent research highlights include: home to leading cellular therapy scientists and a state-of-the-art manufacturing facility, the Gates Institute at AMC is advancing cutting-edge CAR T-cell therapies that are revolutionizing the way we treat leukemia, lymphoma and other cancers—often with fewer side effects than chemotherapy; Basic scientists at AMC are making significant progress in understanding the cellular mechanisms that drive cancer growth, helping to unlock new treatment pathways and cures.

**Improving Military and Veteran Health:** AMC is home to renowned researchers on trauma care, brain injuries and PTSD. Today, our researchers are using their expertise to help inform caregivers and military leaders on combat-related injuries, surgical trauma techniques, mental health interventions and more. Recent research highlights include: an AMC team won the 2023 Military Health System Research Symposium research team award for their significant contributions to military medicine. The SAVE O-2 team is studying how much oxygen is needed for critically injured patients, which could reshape military medical supply logistics; Through the Firearm Injury Prevention Initiative, researchers are leading evidence-based interventions to help reduce suicide rates among veterans and active military, including a “Lock to Live” program that promotes safe gun storage for those in crisis.

**Transforming Diabetes Care:** AMC is nationally recognized for its novel research into diabetes detection, causes and prevention, as well as its integrated approach to incorporating new treatments directly into patient care. Researchers are working to reduce diabetes by studying the key drivers of obesity and metabolic disease, as well as the most effective interventions to help patients to live healthier lives.


5. This research is supported by annual awards of \$360 million from the NIH in Fiscal Year 2024.
6. The AMC has a Negotiated Indirect Cost Rate Agreement (“NICRA”) with NIH, effective as of 5/11/2023. The Indirect Cost (“IDC”) Rate in the AMC NICRA is 56%.
7. AMC’s total effective IDC rate, calculated as the average of active awards, for NIH funding is 34.2%.
8. NIH’s reduction of the AMC’s IDC rate[s] will eliminate approximately \$74 million in annual funding that the AMC uses to support its research programs. The loss of these funds will immediately impact the AMC’s ability to draw critical funds used to pay expenses

associated with maintaining our critical research infrastructure and support. IDC funds on the AMC campus are critical to providing support for related personnel and other direct research infrastructure and support. A large portion of IDC is used to support the robust facilities provided by AMC to complete our research programs and objectives.

9. The loss of IDC funds will cause partial elimination of clinical trial activity. AMC supports over 1,000 clinical trials with more than 14,000 enrollments in research studies last year.
10. IDC funds on AMC are essential in supporting the research mission, from basic scientific discovery to pre-clinical investigations, to clinical trials to population health. This change for NIH awards would potentially cause a reduction of 47.5% of our total campus IDC. The loss of these funds will delay or halt the hiring of world-class researchers. IDC also funds existing debt service for controlled maintenance. The drastic cuts to NIH F&A will bring the Institute's research and community-based programs to a virtual standstill due to the loss of shared administrative staff and the specialized computing infrastructure essential for the Institute's efforts.
11. The AMC next anticipates to draw funds on or around Monday, February 10, 2025. At that time, the reduced IDC rate will impact the AMC in the following ways:
  - a. Potential hiring freezes, furloughs or layoffs of university faculty, staff and student hourly positions.
  - b. Potential elimination of clinical trial activity.
  - c. Reductions to planned deferred maintenance projects.
  - d. Reduction or elimination of planned investments in institutional financial aid.
  - e. Reduction or elimination of planned compensation increases for faculty and staff.
  - f. Reduced programmatic offerings.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 9th day of February, 2025, in Aurora Colorado.

DocuSigned by:  
  
63BDE13B7E47435...

---

Donald M. Elliman, Jr.  
Chancellor  
University of Colorado Anschutz Medical Campus (AMC)